

# ARKANSAS SUPREME COURT

No. CR 03-905

JEFFERY SCOTT RATCHFORD  
Petitioner

v.

STATE OF ARKANSAS  
Respondent

Opinion Delivered    December 19, 2008

PRO SE MOTION FOR TRANSCRIPT  
AT PUBLIC EXPENSE [CIRCUIT  
COURT OF BENTON COUNTY, CR  
2001-1011]

MOTION DENIED.

## PER CURIAM

A jury found petitioner Jeffery Scott Ratchford guilty of the rape of a person less than fourteen years old and two counts of sexual assault in the first degree. A life sentence was imposed on the rape charge and 120 months' imprisonment on each of the sexual assault counts with all sentences to be served concurrently. We affirmed. *Ratchford v. State*, 357 Ark. 27, 159 S.W.3d 304 (2004).

Subsequently, petitioner timely filed in the trial court a pro se petition for postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1. The trial court denied the petition, and this court affirmed the order. *Ratchford v. State*, CR 05-317 (Ark. Apr. 20, 2006) (per curiam).

Petitioner, who contends that he is indigent, now seeks at public expense a copy of the trial transcript lodged on appeal.<sup>1</sup> As a basis for the request, petitioner states only that he has grounds to be raised in a petition to reinvest jurisdiction in the trial court to consider a petition for writ of error

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<sup>1</sup>For clerical purposes, the motion has been filed under the docket number assigned to the direct appeal of the judgment.

coram nobis. He argues that without a copy of the transcript he will be unable to raise in the petition anything but conclusory allegations based on his memory of the trial. Specifically, petitioner contends that he will show in the coram nobis petition that the State withheld exculpatory medical evidence that, had it been available to the defense, could have been used to impeach the prosecution's key witness. He states that he hopes to soon obtain a medical report to support the claim. He does not demonstrate, however, that the claim could not be raised in a petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis without access to a copy of the transcript.

We have consistently held that a petitioner is not entitled to a photocopy of a transcript on file with the appellate court unless he or she demonstrates some compelling need for specific documentary evidence to support an allegation contained in a petition for postconviction relief. *See Austin v. State*, 287 Ark. 256, 697 S.W.2d 914 (1985) (per curiam). Indigency alone does not entitle a petitioner to free photocopying. *Washington v. State*, 270 Ark. 840, 606 S.W.2d 365 (1980) (per curiam). Petitioner has not met his burden of establishing a compelling need for a copy of the transcript of his trial.

It should be noted that when an appeal has been lodged in this court, the appeal transcript remains permanently on file with the clerk. Persons may review a transcript in the clerk's office and photocopy all or portions of it. An incarcerated person desiring a photocopy of a transcript may write this court, remit the photocopying fee, and request that the copy be mailed to the prison. All persons, including prisoners, must bear the cost of photocopying. *Moore v. State*, 324 Ark. 453, 921 S.W.2d 606 (1996) (per curiam).

Motion denied.